

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:11-cr-177

v.

HON. JANET T. NEFF

TYJUAN DION WALLACE,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant Tyjuan Dion Wallace has filed a motion for modification or reduction of sentence (Dkt 83) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Department has filed a Sentence Modification Report (Dkt 89) and Defendant has filed a Response (Dkt 90). The Government has also filed a Response (Dkt 91).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentence Modification Report (Dkt 89), the Defendant's response (Dkt 90), and the Government's response (Dkt 91), the Court has determined that the

defendant is eligible for a reduction of sentence according to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 83) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to 94 months with an effective date of November 1, 2015.

DATED: September 28, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge